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CITY OF SOUTH LAKE TAHOE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BENJAMIN CROCKER,

Plaintiff,

vs.

CITY OF SOUTH LAKE TAHOE, ZACHARY  
WIENS, JASON NIXON, JONATHAN  
TODEREAN and DOES 1-50, inclusive,

Defendants

**Case No.: 2:22-cv-01099-JAM-AC**

**STIPULATION OF THE PARTIES TO STAY  
CIVIL ACTION PENDING RESOLUTION OF  
CRIMINAL MATTER; ORDER**

FAC Filed: 7/9/22

Plaintiff Benjamin Crocker ("Plaintiff") is a defendant in a criminal proceeding in the Superior Court of California, County of El Dorado, Case Number 22-CR-0245, that arise from the same facts underlying Plaintiff's Complaint in this civil action. When a plaintiff's civil claims arise from the same set of facts implicated in a pending criminal proceeding, it is common practice "to stay the civil action until the criminal case or the likelihood of a criminal case is ended." Wallace v. Kato, 549 U.S. 384, 393-94 (2007). In light of the pending criminal proceedings, each of the parties agrees, and does hereby stipulate, to an indefinite stay of this civil action until the criminal case is ended. Plaintiff shall advise the Court, by filing an

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appropriate motion or stipulation, when the criminal case is ended. The parties agree that Defendants City of South Lake Tahoe, Zachary Wiens, Jason Nixon, and Jonathan Todorean shall have 28 days following the filing of Plaintiff's appropriate motion or stipulation, to file a responsive pleading to Plaintiff's Complaint.

Dated: August 25, 2022

PORTER SCOTT  
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By: /s/ Matthew W. Gross

Carl L. Fessenden  
Matthew W. Gross  
Attorneys for Defendant  
CITY OF SOUTH LAKE TAHOE

Dated: August 25, 2022

The Law Office of Gustavo Magana

By /s/ Gustavo Magana

Gustavo Magana  
Attorney for Plaintiff  
BENJAMIN CROCKER

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**ORDER**

Based upon the Stipulation of the Parties to Stay the Civil Action Pending Resolution of the Criminal Matter submitted by the parties and good cause being shown, IT IS HEREBY ORDERED THAT:

1. This matter is stayed pending resolution of the criminal matter; and
2. Defendants shall file a responsive pleading within 28 days after Plaintiff informs the Court that the criminal matter has been resolved.

**IT IS SO ORDERED.**

Dated: August 25, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE

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